

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. And is the time between now and 4:45 p.m. allocated?

The PRESIDING OFFICER. It is divided between the chairman and ranking member of the Judiciary Committee.

Mr. DORGAN. Madam President, if the chairman of the Judiciary Committee is not here to take the time, let me take a moment. If he shows up, I certainly will yield to him.

Mr. SPECTER. Madam President, I will be glad to yield to the Senator from North Dakota, especially since he called me the chairman.

Mr. DORGAN. I was talking about the chairman who was about to show up, Senator LEAHY.

Mr. SPECTER. I withdraw my consent.

BRAC

Mr. DORGAN. Madam President, I wish to make a point. My colleague from Oklahoma was talking about the BRAC funding. I think everybody here supports the BRAC funding. I certainly do. It is not a part of this agreement, but it is not, as the Senator from Oklahoma suggested, the Democrats' fault.

Just so people understand, we inherited a heck of a mess. We inherited a huge mess. What was the mess? The fact is, last year, 10 of the appropriations bills never got to the floor of the Senate. We never got here. They never had any discussion on them. Had that happened, we would have had those appropriations bills passed and signed into law, and we wouldn't be discussing these issues.

As a result of inheriting an unbelievable mess, we had to put together something between the House and the Senate. Let me make this point: That which was done between the House and the Senate included discussions with Republicans and Democrats on every single subcommittee. We engaged the staff of the Republicans and the Democrats as this was put together.

I wanted to make that point. We inherited a mess. We have tried to make the most of it.

This BRAC issue is going to get resolved. I support resolving it. The President is going to ask us for, apparently, \$100 billion in the coming couple of weeks.

Mr. INHOFE. Will the Senator yield?

Mr. DORGAN. Let me finish my thought.

He is going to ask for \$150 billion above that next year with respect to Iraq and Afghanistan.

The point I am making is this: I understand that not just the Senator from Oklahoma but any number of Senators might come and say: I wish this had been in it, I wish that had been in it. I personally wish a number of items had happened that didn't happen in this continuing resolution. But I was involved in working on it as chairman of the Appropriations Energy and Water Subcommittee. Last year, I was ranking member of the Appropriations

Interior Subcommittee. That bill didn't get to the floor of the Senate. The Energy and water bill didn't get to the floor of the Senate. The bill that would have carried the BRAC funding didn't get to the floor of the Senate. Why not? Don't blame that on Democrats. We didn't control this Chamber last year.

But I don't come to blame one side or the other. I only come to say we have tried to make the best of a bad situation. We were left with quite a mess. How did we make the best of this? We worked with the House and the Senate—bicameral; we worked with the staff of the Republicans and the staff of the Democrats, bipartisan—to try to see if we could put together something that would allow us to put the fiscal year 2007 appropriations bills behind us and move ahead, because we need to move immediately now to begin to put together the fiscal year 2008 appropriations bills. We need to do that now.

So I only make the point that that is why we are here. No one likes it. We have done the best we could to make the best out of a bad situation.

Mr. INHOFE. Madam President, will the Senator yield for a very friendly question?

Mr. DORGAN. I will be happy to yield.

Mr. INHOFE. We had authorized \$5.7 billion to be spent this year on the BRAC process and \$4.1 billion was taken out, with \$1 billion put back. My question to you is: Can we have that made up without taking it out of a supplemental that would be pulling it out of other wartime activities? I would say that probably would work. That is my concern.

Mr. DORGAN. Madam President, reclaiming my time, it is not going to be taken out of other funding in a supplemental. It will be added to a supplemental, I presume. The President has proposed sending us \$250 billion in emergency funding in two tranches, the first for this fiscal year and the second for the next fiscal year. My assumption is that everyone here believes those BRAC funds need to be dealt with and will be dealt with in a supplemental, not by taking it away from other military expenditures.

Madam President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Nora Barry Fischer, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

Mr. DORGAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUE),

and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Wyoming (Mr. THOMAS).

The PRESIDING OFFICER (Mr. OBAMA). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 47 Ex.]

YEAS—96

| | | |
|-----------|------------|-------------|
| Akaka | Domenici | McConnell |
| Alexander | Dorgan | Menendez |
| Allard | Durbin | Mikulski |
| Baucus | Ensign | Murkowski |
| Bayh | Enzi | Murray |
| Bennett | Feingold | Nelson (FL) |
| Bingaman | Feinstein | Nelson (NE) |
| Bond | Graham | Obama |
| Boxer | Grassley | Pryor |
| Brown | Gregg | Reed |
| Brownback | Hagel | Reid |
| Bunning | Harkin | Roberts |
| Burr | Hatch | Rockefeller |
| Byrd | Hutchison | Salazar |
| Cantwell | Inhofe | Sanders |
| Cardin | Isakson | Schumer |
| Carper | Kennedy | Sessions |
| Casey | Kerry | Shelby |
| Chambliss | Klobuchar | Smith |
| Clinton | Kohl | Snowe |
| Coburn | Kyl | Specter |
| Cochran | Landrieu | Stabenow |
| Coleman | Lautenberg | Stevens |
| Collins | Leahy | Sununu |
| Conrad | Levin | Tester |
| Corker | Lieberman | Thune |
| Cornyn | Lincoln | Vitter |
| Craig | Lott | Voinovich |
| Crapo | Lugar | Warner |
| DeMint | Martinez | Webb |
| Dodd | McCain | Whitehouse |
| Dole | McCaskill | Wyden |

NOT VOTING—4

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|--------|---------|
| Biden | Johnson |
| Inouye | Thomas |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid on the table.

The President will be immediately notified of the Senate's action.

Mr. CASEY. Mr. President, I was pleased that today a fellow Pennsylvanian, Nora Barry Fischer, was confirmed by the U.S. Senate to serve on the U.S. District Court for the Western District of Pennsylvania. I was also happy to help expedite her nomination before the Judiciary Committee to help ensure a speedy consideration by the full Senate.

Ms. Fischer is a native of Homestead, PA, and a graduate of Notre Dame Law School. In private practice, she has gained extensive experience in litigation and mediation. Ms. Fischer will bring a wealth of knowledge to the bench, and I am confident that she will serve western Pennsylvania and the Nation well.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.